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Attorneys for Defendant  
THE WINE GROUP, INC. HEALTH  
BENEFIT PLAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TRACY BURNINGHAM,

Plaintiff,

v.

THE WINE GROUP, INC. HEALTH  
BENEFIT PLAN,

Defendant.

Case No. 2:22-cv-00659-DJC AC

**UNOPPOSED APPLICATION OF  
DEFENDANT TO EXTEND TIME TO  
FILE OPPOSITION TO PLAINTIFF'S  
TRIAL BRIEF BY SEVEN DAYS AND  
TO EXTEND TIME FOR PLAINTIFF  
TO FILE REPLY BY SAME TIME;  
ORDER**

**Civil L.R. 144**

Defendant The Wine Group, Inc. Health Benefit Plan ("Defendant") hereby respectfully requests and applies to this Court pursuant to Civil Local Rule 144 for an Order extending its time to file its Opposition to Plaintiff's Trial Brief (ECF No. 24) by seven (7) days, and extending Plaintiff's time to file her Reply to Defendant's Opposition by the same amount of time. Currently, Defendant's Opposition is due to be filed on Monday, March 3, 2025, and Plaintiff's Reply is to be filed on Monday, March 17, 2025. This Request is unopposed.

Good cause exists for granting this extension of time due to an administrative error in calendaring the filing date for Defendant's Opposition brief. *See* Declaration of Sung Cheol Sam Park ("Park Decl."), ¶ 2. On January 9, 2025, Plaintiff, through counsel, submitted a Request for Partial Extension of the Briefing Schedule extending Plaintiff's time to file her Trial Brief from January 13, 2025, to February 10, 2025, and extending Defendant's time to file its Opposition Brief from February 3, 2025, to March 3, 2025. *See* ECF No. 22. Plaintiff's Request did not seek

1 to extend the date for filing her Reply, which remained March 17, 2025. *Id.* The Court entered  
 2 the Order the next day. *See* ECF No. 23. Unfortunately, when Defendant's internal docket was  
 3 updated to reflect the new dates, the date calendared for Defendant's Opposition Brief was March  
 4 17, 2025, and not March 3, 2025. Park Decl., ¶ 2.

5 The parties have previously sought and obtained two extensions of the briefing schedule  
 6 due to difficulty in securing the administrative record from the third-party administrator. *See* ECF  
 7 Nos. 15 and 18. Plaintiff also sought and obtained an extension of the time to file her Trial Brief  
 8 on the basis of difficulty in securing documentation from the same third-party administrator related  
 9 to subsequent admissions. *See* ECF No. 22.

10 The Parties have been working diligently on this matter, but due to a calendaring mistake,  
 11 Defendant needs an additional seven days to prepare its Opposition. Neither party will be  
 12 prejudiced by the proposed extension, and Plaintiff's counsel does not oppose this Request.  
 13 Similarly, it will not require the resetting of any dates on the Court's calendar because oral  
 14 argument on Plaintiff's Trial Brief has not been set and will not be set until such time that the  
 15 Court determines that oral argument is necessary. *See* ECF No. 23.

16 **IT IS SO STIPULATED.**

17 Dated: February 27, 2025

JACKSON LEWIS P.C.

18 By: /S/ Donald P. Sullivan  
 19 Donald P. Sullivan, Esq.  
 20 *Attorney for Defendant*

21 Dated: February 27, 2025

LAW OFFICE OF ROBERT F. KEEHN

22 By: /S/ Robert F. Keehn  
 23 Robert F. Keehn, Esq.  
 24 (as authorized on February 25, 2025)  
 25 *Attorney for Plaintiff*

**ORDER**

Pursuant to the Unopposed Application of Defendant to Extend Time to File Opposition to Plaintiff's Trial Brief by Seven Days and to Extend Time for Plaintiff to File Reply by Same Time, and for good cause shown, the Court grants the Request an Orders as follows:

1. The time for Defendant to file its Opposition to Plaintiff's Trial Brief shall be extended by seven (7) days to Monday, March 10, 2025; and
2. The time for Plaintiff to file her Reply to Defendant's Opposition shall be extended by seven (7) days to Monday, March 24, 2025.

**IT IS SO ORDERED:**

Dated: March 3, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE